

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 8-18 are pending in the present application. Claim 1 has been amended, Claims 2-7 have been canceled without prejudice, and Claims 8-18 have been added by the present amendment.

In the outstanding Office Action, Claims 1-7 were rejected under 35 U.S.C. § 102(b) as anticipated by Nemirofsky et al. (WO 94/03995, herein "Nemirofsky").

In response to this rejection, independent Claim 1 has been amended to recite that a content-delivery unit identifies the contents to be delivered to a terminal apparatus based on attribute information indicative of at least one characteristic of the terminal apparatus and delivers the contents to the terminal apparatus. In addition, new dependent Claims 8-12 and the new set of Claims 13-18, which are method claims similar to the system claims, have been added. It is noted that newly added independent Claim 13 recites similar features as amended Claim 1. The claim amendments find support in originally filed Claims 1 and 2. No new matter has been added.

Briefly recapitulating, independent Claim 1 is directed to a delivery system for delivering a plurality of contents. The delivery system includes a center system, a plurality of terminal systems, and communication lines connecting the center system to the plurality of terminal systems. The center system includes, *inter alia*, a content-delivery unit that identifies the contents to be delivered to a terminal apparatus based on attribute information indicative of at least one characteristic of the terminal apparatus and delivers the contents to the terminal apparatus.

Turning to the applied art, the outstanding Office Action relies on Nemirofsky for teaching, among other things, a distribution network distributing programs customized based

on individual receivers in stores, sections of store isles, geographic regions, or location as disclosed at page 19, lines 11-26 of Nemirofsky.<sup>1</sup>

However, Applicants respectfully submit that the information relied upon by Nemirofsky for distributing the programs is information related to the physical arrangement of a terminal and is different from the claimed attribute information of the terminal apparatus. In particular, Nemirofsky is concerned with achieving the effective delivery of a same advertisement program to each shop, and physical characteristics such as a date and time and the location of the shop are used when delivering the advertisement program through a satellite system. The program of Nemirofsky has the same contents and is delivered to a variety of terminals, depending on the location of a switching system 12 (see Figure 1) accommodating each of these terminals.

Therefore, Applicants respectfully submit that Nemirofsky teaches distributing advertizing programs having the same contents to various shops at various locations at various times, which is different from the delivery system of Claim 1, which delivers a program that differs from terminal to terminal depending on the attribute information of each terminal. In other words, the delivery system of Claim 1 identifies the contents to be delivered to a terminal apparatus based on the attribute information while the device of Nemirofsky does not identify the contents based on attribute information.

Thus, Applicants respectfully submit that the content-delivery unit of Claim 1 delivers, for example, moving pictures between the system and terminals and the attribute information of the terminal apparatus may include various information items, such as a telephone number or a display size as described for example in the specification at page 30, line 4.

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<sup>1</sup> Outstanding Office Action, paragraph bridging pages 3 and 4.

Therefore, Nemirofsky does not teach or suggest a content-delivery unit that identifies contents to be delivered based on attribute information indicative of at least one characteristic of a terminal apparatus as required by Claims 1 and 13.

Accordingly, it is respectfully submitted that independents Claims 1 and 13 and each of the claims depending therefrom patentably distinguish over Nemirofsky.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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